

REMARKS

This responds to the Office Action mailed on September 8, 2005, and the references cited therewith.

Claims 22, 27, 35, 38, 41, 45 and 53 are amended. Claims 11-54 are now pending in this application.

§112 Rejection of the Claims

Claims 22, 27, 35, 38, 39, 41-45 and 53 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicant has amended the rejected independent claims to specifically identify what elements are independent from, such as independent from the checkweigher or independent from the checkweigher logic for example. This is believed consistent with the wording of claims 11-21, which are currently allowed. Thus, the rejected claims are believed in condition for allowance. The amendments are believed to clarify the claims, and were not done to narrow them from their original intended meaning.

§103 Rejection of the Claims

Claims 22-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lhoest (U.S. 5,946,217) in view of Nakagawa (U.S. 6,711,874 B1) and further in view of Neary (U.S. 6,751,524 B2). The above described amendments are believed to make the claims more clear, and also point out better how they originally distinguished these references. The claims are now believed consistent with the reasons for allowance of claims 11-21 in that they describe a checkweigher method, kit or system that has integrity checking abilities that are independent of the checkweigher and its control logic. Reconsideration and allowance of the claims is respectfully requested.

Allowable Subject Matter

Claims 11-21 were allowed.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

MICHAEL G. POTEREK ET AL.

By their Representatives,

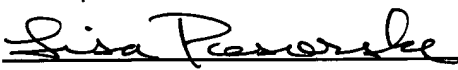
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Date 12-8-2005

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8 day of December, 2005.

LISA ROSORSKE
Name


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